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CHRISTIE, PARKER & HALE, LLP			PORTER, RACHEL L	
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PASADENA, CA 91109-7068			PAPER NUMBER	
			3626	
DATE MAILED: 04/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,535

Applicant(s)

KWOH, DANIEL S.

Examiner

Rachel L. Porter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed 1/9/06. Claims 1-15 and 17-28 are presented for examination. Claim 16 has been canceled. Claims 26-28 are new.

Claim Rejections - 35 USC § 101

2. The rejections of claims 1-13 and 17-20 under 35 U.S.C. 101, are hereby withdrawn.

Claim Rejections - 35 USC § 112

3. The rejections of claims 6-7,12-13, and 25 under 35 U.S.C. 112, second paragraph, are hereby withdrawn due to the amendment filed 1/9/06.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 12-13,17-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar in view of Jafri et al., Pat no. 5,832,454 (hereinafter Jafri).

As to claim 1, Iyengar discloses an electronic method for calculating travel costs for a user (see abstract) comprising:

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- an information request step, wherein the user is prompted to enter information for a plurality of travel products (e.g. flights, esp. with various airlines) (see Fig. 7, Fig. 8, Fig. 23 and Fig. 24);
- an information receipt step, wherein the information for the plurality of travel products is received from a user (Fig. 7, Fig. 8, col. 11, lines 12-17; Fig. 23 and Fig. 24—user enters information for flights on selected airlines for example);
- a calculation step, wherein the received information is used to search through an electronic database to determine the cost of each of a plurality of travel products (col. 9, lines 12-40; col. 10, lines 62-col. 11, line 12—information from the membership database provides information used in calculating costs for travel products—e.g. departing city/home airport); and
- a reporting step, performed after the calculation step wherein the cost of each of a plurality of travel product is reported to the user (Fig. 24);
- a prompting step wherein the user is prompted to request alternative travel product information (i.e. perform another search; web specials)(Fig. 10); and
- an alternative travel request receipt step wherein a user request to receive alternative travel product information is received (Fig. 10).
- a second calculating step wherein a discount information is accessed to determine alternative travel products to offer the user (Fig. 10; col. 11, lines 26-43); and
- an alternative travel reporting step wherein alternative travel products are reported to the user (col. 11, lines 27-34).

Claim 1 has been amended to recite that during the second calculation step, "at least one criteria to be searched for during the determination of alternative travel products is determined by automatically altering information for the plurality of travel products received from the user." Iyengar discloses a method further comprising a second calculation step as explained above, and but does not expressly disclose automatically determining generating travel alternatives by automatically altering travel product information received from the user. Jafri discloses a system and method wherein travel alternatives are automatically generated by altering information on travel information input by and received from the user. (col. 5, lines 2-60). A user selects a criterion such as "best fare" or "class" for a flight, multiple queries are propagated and several itineraries are generated based upon this data. The system and method may also launch queries regarding other accommodations (e.g. hotel, car rental). At the time of the Applicant invention, it would have been obvious to one of ordinary skill in the art to include travel alternatives and automatically propagate queries for travel alternatives based upon received user input. As suggested by Jafri, one would have been motivated to include this feature to increase the speed of the search, which still meeting the users preferences. (col. 5, lines 57-col. 6, lines 2)

As to claim 2, Iyengar discloses an electronic method for calculating travel costs wherein the reporting step and the alternative travel reporting steps comprise displaying a range of prices for each travel product based upon availability of products from different product providers and displaying a total price range for all of the requested travel products (Fig. 10).

As to claim 3, Iyengar discloses an electronic method for calculating travel costs of wherein the information request step further comprises prompting a user to select an airline departure date, a departure location, a destination location (see Fig. 8).

As to claim 4, Iyengar does not explicitly disclose an electronic method for calculating travel costs of claim 3 wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel. However, Jafri discloses wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select a hotel location and a number of nights to reside at the hotel as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 5, Iyengar does not explicitly disclose an electronic method for calculating travel costs of claim 4 wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental car will be rented. However, Jafri discloses wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental

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car will be rented (col. 2, lines 55-60 and line 66 – col. 4, line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select a rental car location and a number of days a rental car will be rented as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 6, Iyengar does not explicitly disclose an electronic method for calculating travel costs of claim 5 wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented. However, Jafri discloses a method wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented (col. 2, lines 55-60 and line 66 – col. 4, line 3; col. 5, lines 41-60). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein as part of the calculation step, the received duration of time between the airplane departure date and the airplane return date is used to determine the number of nights to reside at the hotel and the number of days a rental car will be rented as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 7, Iyengar does not explicitly disclose an electronic method for calculating travel costs of claim 6 wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location. However, Jafri discloses wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location (col. 2, lines 55-60 and line 66 – col. 4, line 3; col. 5, lines 41-60). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein as part of the calculation step, the airplane destination city is used to determine the hotel location and the rental car location as disclosed by Jafri within Iyengar for the motivation of providing greater speed and ease of use when generating travel itineraries for customers (col. 1, lines 40-65).

As to claim 8, Iyengar discloses an electronic method for calculating travel costs of claim 5 wherein alternative travel products are found by altering departure flight city, the departure flight date, the destination city, the return flight date. (see Fig. 10).

As to claim 9, Iyengar discloses an electronic method for calculating travel costs of claim 8 further comprising a prompting step wherein a user is prompted to purchase travel products (Fig. 10).

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As to claim 10, Iyengar discloses an electronic method for calculating travel costs of claim 9 further comprising:

- a personal information prompting step wherein the user is prompted to enter personal information (Fig. 5, Fig. 6);
- a personal information receiving step wherein personal information is received from a user (Fig. 5, Fig. 6);
- a payment information prompting step wherein the user is prompted to enter payment information (col. 8, lines 9-24);
- a payment information receiving step wherein payment information is received from a user (col. 8, lines 9-24); and
- a reservation step wherein travel product providers of the purchased products are contacted, reservations are made, and travel products purchased (col. 8, lines 9-24).

As per claim 26, Iyengar discloses a travel planning method, as explained in the rejection of claim 1, but does not expressly disclose automatically determining generating travel alternatives by automatically altering travel product information received from the user. Jafri discloses a system and method wherein travel alternatives are automatically generated by altering information on travel information input by and received from the user. (col. 5, lines 2-60). A user selects a criterion such as "best fare," class, or departure date (e.g. dates of travel) for a flight, multiple queries are propagated and several itineraries are generated based upon this data. The system

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and method may also launch queries regarding other accommodations (e.g. hotel, car rental). At the time of the Applicant invention, it would have been obvious to one of ordinary skill in the art to include travel alternatives and automatically propagate queries for travel alternatives based upon received user input. As suggested by Jafri, one would have been motivated to include this feature to increase the speed of the search, which still meeting the users preferences. (col. 5, lines 57-col. 6, lines 2)

As to claim 12, the limitations of claim 12 are substantially similar to those recited in claim 1. As such, the limitations of claim 12 are addressed by the rejection of claim 1, and incorporated herein.

As per claim 13, Iyengar teaches a method for calculating travel costs of claim wherein the information request step further comprises prompting a user to enter a desired airline. (Figure 8)

As to claim 17, the limitations of claim 12 are substantially similar to those recited in claim 1. As such, the limitations of claim 12 are addressed by the rejection of claim 1, and incorporated herein.

As to claim 18, Iyengar teaches a method for calculating travel costs wherein the information request step further comprises prompting a user to select attributes for airplane related travel products. (Figure 7)

As to claim 19, Iyengar teaches a method for calculating travel costs wherein the reporting step comprises displaying a range of prices for each travel product based

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upon availability of products from different product providers and displaying a total price range for all of the requested travel products. (Figure 10)

As to claim 20, Iyengar teaches a method for calculating travel costs wherein the alternative travel reporting step comprises displaying alternative travel products in sets, and displaying a total price range for all of the selected alternative travel products in a given set. (Figure 10, Figures 24-25)

As per claim 21, Iyengar teaches an electronic method comprising:

- providing a user interface to a user over a communications network; (col. 6, lines 7-340)
- causing the user interface to prompt the user to enter information for a plurality of travel products into the user interface; (Figure 10; col. 7, lines 29-47; col. 9, lines 12-35)
- receiving the information over the communications network; (col. 7, lines 29-47)
- searching a first database on a server to determine the cost of the plurality of travel products; (col. 9, lines 12-40; col. 10, lines 62-col. 11, line 12—information from the membership database provides information used in calculating costs for travel products—e.g. departing city/home airport); and
- generating a report to be displayed through the user interface, the report comprising the cost of each travel product to be displayed concurrently; (Fig. 24);
- causing the user interface to prompt the user to request alternate travel product information; (i.e. perform another search; web specials)(Fig. 10);

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- accessing a second database to determine alternative travel products to offer the user; and (Fig. 10; col. 11, lines 26-43)
- generating a report to be displayed through the user interface, the report comprising each alternative travel product. (col. 11, lines 27-34)

Claim 21 has been amended to recite, "generating alternative travel product criteria automatically based on information from the user." Iyengar discloses a travel product search method as explained above, and but does not expressly disclose automatically determining generating travel alternatives by automatically altering travel product information received from the user. Jafri discloses a system and method wherein travel alternatives are automatically generated by altering information on travel information input by and received from the user. (col. 5, lines 2-60). A user selects a criterion such as "best fare" or "class" for a flight, multiple queries are propagated and several itineraries are generated based upon this data. The system and method may also launch queries regarding other accommodations (e.g. hotel, car rental). At the time of the Applicant invention, it would have been obvious to one of ordinary skill in the art to include travel alternatives and automatically propagate queries for travel alternatives based upon received user input. As suggested by Jafri, one would have been motivated to include this feature to increase the speed of the search, which still meeting the users preferences. (col. 5, lines 57-col. 6, lines 2)

As per claim 22, Iyengar teaches a method wherein a processor in the server executes the searching of the first database. (Figure 23, i.e. target sites/machines; col. 6, lines 60-col. 7, line 18; col. 19, lines 34-53)

As per claim 23, Iyengar teaches a method further comprising: transmitting the report over the communication network to a user device. (Figure 10, 24-25; col. 19, lines 34-57)

As per claim 24, Iyengar teaches a method wherein the communications network is the Internet. (col. 6, lines 7-19)

As per claim 25, Iyengar teaches a method, wherein the first and second databases are each a part of a larger database. (col. 6, lines 60-col. 7, line 18)

As per claim 28, Iyengar teaches a travel planning method as explained in the rejection of claims 1 and 21, but does not expressly disclose a method wherein generating alternative travel product search criteria automatically based on information from the user includes altering dates of travel, type of accommodation or type of car rental. Jafri discloses a system and method wherein travel alternatives are automatically generated by altering information on travel information input by and received from the user. (col. 5, lines 2-60). A user selects a criterion such as "best fare," class, or departure date (e.g. dates of travel) for a flight, multiple queries are propagated and several itineraries are generated based upon this data. The system and method may also launch queries regarding other accommodations (e.g. hotel, car rental). At the time of the Applicant invention, it would have been obvious to one of ordinary skill in the art to include travel alternatives and automatically propagate queries

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for travel alternatives based upon received user input. As suggested by Jafri, one would have been motivated to include this feature to increase the speed of the search, which still meeting the users preferences. (col. 5, lines 57-col. 6, lines 2)

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar and Jafri as applied to claim 10 above, and further in view of DeLorme et al., Pat. No. 5,948,040 (hereinafter DeLorme).

As to claim 11, Iyengar and Jafri in combination teach the method of claim 10 as explained in the rejection of claim 10, but do not explicitly disclose a method wherein the information request step further comprises prompting a user to input cruise information. However, DeLorme discloses wherein the information request step further comprises prompting a user to input a cruise departure date. (see Fig. 6 and col. 52, lines 23-42). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the information request step further comprises prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class disclosed by DeLorme within Iyengar and Jafri for the motivation of providing a system with complete integration of travel/activity required by a user (col. 6, lines 47-54).

7. Claims 14-15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar in view of Vance et al., Pat no. 6,442,526 (hereinafter Vance).

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As to claim 14, Iyengar teaches system for determining travel product prices for users comprising:

- an information server coupled to a computer network; (Figure 2; col. 7, lines 19-28; col. 7, lines 48-61)
- a user terminal coupled to the computer network; (col. 6, lines 25-44)
- a first database coupled to the computer network for storing airplane flight information; (col. 6, line 20-23; col. 6, lines 60-col. 7, line 18—Iyengar discloses that the reservation information stored by the system may include hotel, airline, and car rental information and the system includes a plurality of databases)
- a second database coupled to the computer network for storing hotel information; (col. 6, line 20-23; col. 6, lines 60-col. 7, line 18)
- a third database coupled to the computer network for storing rental car information; (col. 6, line 20-23; col. 6, lines 60-col. 7, line 18)
- wherein the information server is configured to receive a request for information on a plurality of travel products from the user terminal; and (col. 6, lines 15-23; col. 6, lines 60-col. 7, line 18)
- wherein the information server is configured to calculate permutations of the information on the plurality of travel products and provide alternate travel products. (Fig. 10; col. 11, lines 27-34)

Iyengar further discloses that the system/method provides a report on airplane flight information from the first database (Figures 10, Figure 24), but does not expressly disclose that the method will aggregate hotel, car rental, and airline information from

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various databases and transmit display information on each of these travel products and alternative travel products as a single report on a user terminal. Vance et al discloses a system/method wherein hotel information, car rental information, and airplane flight information from various databases is aggregated and transmitted to a user terminal in a single report. (col. 5, 30-47). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Iyengar with the teaching of Vance to provide a single report containing hotel, car rental, and flight information with the motivation of providing an integrated database system that facilitates the comparison of travel data. (col. 2, lines 49-54)

As to claim 15, Iyengar discloses a method in which the reservation information stored by the system may include hotel, airline, and car rental information and the system includes a plurality of databases. (col. 6, line 20-23; col. 6, lines 60-col. 7, line 18) Furthermore, the server may be requested to retrieve and transmit web specials (i.e. discounted rates) for each of these types of travel products to the user. (Fig. 10; col. 26-43)

As per claim 27, Iyengar discloses a system for determining travel product prices of claim 14, wherein calculating permutations of the information include permutations of dates of travel. (Figures 8, 10—searches permutations of times)

Response to Arguments

8. Applicant's arguments with respect to claims 1-15 and 17-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant appears to argue the newly added claim limitations. New grounds of rejection and additional citations and explanations from the prior art have been provided in the prior art rejection of the current Office Action for applicant's consideration to address the newly added limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER